RESPONSE

In response to the Office Action dated November 22, 2004, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-27) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 26-27 under 35 U.S.C. § 112, rejected claims 11-15 under 35 U.S.C. § 102(e) as being anticipated by *Achuthan* (U.S. Pub. No. 20002/0077102), rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* (U.S. Patent No. 5,206,901) in view of *Achuthan*, rejected claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Jones* (U.S. Patent 5,475,748), rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over *Harlow et al.* in view of *Achuthan* as applied to claims 1-5 above and further in view of *Archer* (U.S. Pat. No. 6,683,870), rejected claims 16-17 and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Jones*, and rejected claims 18-20 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over *Achuthan* in view of *Archer*. The Assignee shows, however, that the pending claims are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectively submits that the pending claims (1-27) are ready for allowance.

§112 Rejection:

The United States Patent and Trademark Office (the "Office") rejected claims 26-27 under 35 U.S.C. § 112 as being indefinite or failing to particularly point out and distinctly claim the subject matter which Assignee regards as the invention. Assignee has amended claims 26-27 to depend upon claim 25 that provides antecedent basis for "the communication session." Consequently, Assignee respectfully requests Examiner Mattis to remove the rejection of claims 26-27.

§102 Rejection:

The office rejected claims 11-15 and 21-22 under 35 U.S.C. § 102(e) as being anticipated by *Achuthan et al.* (hereafter referred to as *"Achuthan"* (U.S. Patent Application 09/738668). A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir.1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Achuthan* fails to include every element of the pending claims. The reference to *Achuthan*, then, does not anticipate this invention, and Assignee respectfully requests that Examiner Mattis remove the 35 U.S.C. § 102(b) rejection of claims 11-15 and 21-22.

Independent claims 11, 14, and 21 generally disclose methods for executing a priority action to route an incoming call to a telephone line of a subscriber. *See* independent claims 11, 14, and 21. Each of these independent claims is presented below.

[c11]   A method for *routing an incoming call from a calling party for a telephone line of a subscriber* comprising the steps of:

associating a subscriber number of the subscriber with priority caller information;
storing the subscriber number and the priority caller information in a database;
detecting the incoming call;
consulting the database to determine whether the incoming call comprises the priority caller information; and
executing a priority action if the incoming call comprises the priority caller information,
wherein the *priority action comprises one or more of ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone; generating an outgoing call to another telephone associated with a second telephone line of the subscriber; generating an outgoing call to a wireless telephone of the subscriber via a wireless telephone network; and establishing a communication session with a computer associated with the subscriber via a computer network.*

[c14]   A method *for routing an incoming call from a calling party for a telephone line of a subscriber* comprising the steps of:

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associating a subscriber number of the subscriber with at least one priority caller number;

storing the subscriber number and the at least one priority caller number in a database;

detecting the incoming call;

consulting the database to determine whether the incoming call comprises the at least one priority caller number; and

executing a priority action if the incoming call comprises the at least one priority caller number.

[c21]   A *method for routing an incoming call from a calling party to a telephone line of a subscriber* comprising the steps of:

associating a subscriber number of the subscriber with at least one priority code;

storing the subscriber number and the at least one priority code in a database;

soliciting the calling party for a priority code when the incoming call is received;

receiving the priority code from the calling party;

consulting the database to determine whether the priority code matches any of the at least one priority codes; and

executing a priority action if the priority code matches one of the at least one priority codes.

U.S. Patent Application No. 09/855,804, claims 11, 14, and 21.

Achuthan does not disclose or suggest these claims. Rather, *Achuthan* describes a method for monitoring incoming communications to "*a communications terminal 104 whose use is shared by a plurality of users 100-102, for determining which one of the plurality of users is an intended recipient, and for using an apparatus (i.e., the "personalized call reception prompter 106") to generate "an appropriate alerting prompt to one of the users 100-102 who is the intended recipient of [the] incoming communication."* U.S. Patent Pub. No. 2002/0077102, paragraphs 17 and 22 (emphasis added by Assignee); see also claims 1, 12, 13, 14, 16, 23-25. Consequently, *Achuthan* fails to describe or suggest the claimed invention of independent claims 11, 14, and 21, and consequently, corresponding dependent claims 12-13, 15, and 22.

Regarding independent claims 11, 14, and 21, Examiner Mattis asserts:

With respect to claim 11, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a number of the subscriber with priority caller information (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID 220 with a source caller ID 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the priority caller information in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call, at steps 308 and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the priority caller information (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312). Achuthan et al. further discloses that the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone (See page 2 paragraph 22 of Achuthan et al. for reference to the specific prompt comprising a distinct ringing cadence, which is a ring that is different from a regular ringing tone).

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With respect to claim 14, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority caller number (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or number, 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and at least one priority caller number in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also discloses detecting the incoming call (See page 2 paragraph 22 and Figure 4 of

Achuthan et al. for reference to detecting an incoming communication, or call, at step 300). Achuthan et al. further discloses consulting the database to determine whether the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 43 of Achuthan et al. for reference to searching the table 210 for an entry that identifies the source ID field 222 and corresponding priority ID field 224 of the incoming call at steps, 308 and 310). Achuthan et al. also discloses executing a priority action if the incoming call comprises the at least one priority caller number (See page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to if an entry is found in the table 210, generating the specific prompt, which is a priority action, that is specified by the table entry, at step 312).

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With respect to claim 21, Achuthan et al. discloses a method of routing an incoming call from a calling party for a telephone of a subscriber (See page 2 paragraph 17 of Achuthan et al. for reference to routing a call to a subscriber and alerting the subscriber of a call). Achuthan et al. also discloses associating a subscriber number with at least one priority code (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to a memory 122 storing a data structure 210 having fields that associate a user, or subscriber, ID, or number, 220 with a source caller ID, or priority code, 222 and with a priority ID field 224). Achuthan et al. further discloses storing the subscriber number and the at least one priority code in a database (See page 2 paragraph 20 and Figure 3 of Achuthan et al. for reference to storing the user ID field 220, the source ID field 222, and the priority ID field 224 in a data structure table 210 of memory 122). Achuthan et al. also soliciting the calling party for a priority code when the incoming call is received (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to sending back a query data message to a calling party requesting a calling party identification, or priority code, at step 322). Achuthan et al. further discloses receiving the priority code from the calling party (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to determining if a source has provided a calling party identification in response to the query, at steps 306). Achuthan et al. also discloses consulting the database to determine whether the priority code matches any of the at least one priority code (See page 3 paragraph 25 and Figure 5 of Achuthan et al. for reference to determining if an entry corresponding to the supplied calling party identification matches an entry in table 210, at step 308). Achuthan et al. further discloses executing a priority action if the priority code matches one of the at least one priority codes (See page 3 paragraph 25 an Figure 5 of Achuthan et al. for reference to generating a specific prompt, which is a priority action, if it is determined that the supplied calling party identification matches an entry in table 210, at step 312).

Office Action mailed on November 22, 2004 (hereinafter referred to as the "Office Action"), pages 3-7.

However, *Achuthan* fails to disclose or suggest a *method for routing an incoming call from a calling party to a telephone line of a subscriber* that includes *associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code)*. *See* U.S. Patent Application No. 10/001,638, claims 1, 8, and 16, and paragraphs 32, 47-52, and 57-62.

Rather, *Achuthan* describes the following:

[0017] FIG. 1 shows an illustrative communications system comprising a communications network 108 connected to a communications terminal 104 whose use is shared by a plurality of users 100-102. The system of FIG. 1 may be any conceivable communications system, such as a telephone system where network 108 is a public or a private telephone network and terminal 104 is a telephone set, or an e-mail system where network 108 is a telephone or a data network and terminal 104 is a personal computer, or an Internet system where network 108 is the Internet and terminal 104 is a browser-equipped data terminal, etc. According to the invention, the system of FIG. 1 further includes a personalized call reception prompter 106 which is also connected to network 108. Prompter 106 is an alerting mechanism that alerts users 100-102 to incoming communications via distinctive alerting that indicates both who the communication is for and either who it is from or its priority to the recipient. Connection of prompter 106 to network 108 may be in series with terminal 104, as shown in FIG. 1, or it may be in parallel with terminal 104. Prompter 106 may be a stand-alone device, as shown in FIG. 1, or it may be integrated into terminal 104 or into network 108. Prompter 106 is preferably co-located on-premises with terminal 104--for example, both are located in a residence.

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[0020] Memory 122 of prompter 106 stores a data structure (a table) 210, shown in FIG. 3, which contains one or more entries 212 each having a plurality of data fields 220-224. Entries 212 are created by users 100-102. A user ID field 220 stores the identifier of the one of the users 100-102 to whom it corresponds. A source ID field 222 stores the identifier of a source of communications, e.g., a caller ID. And a signal or priority ID field 224 identifies the prompt that is to be generated by prompter to alert a user 100-102 when a communication arrives from the identified source for the identified user. Field 224 identifies the prompt either directly via a signal ID, or indirectly via a priority ID which specifies the priority of communications arriving from the identified source. Each priority has a corresponding distinct prompt signal. Entries 212 include user default entries 214 which identify the signal or priority ID to be issued when a communication from an unknown source arrives for the identified user. Entries 212 further include a generic prompt entry 216 which identifies the signal or priority ID to be issued

when a communication arrives for an unidentified user (e.g., from an unknown source). A specified prompt signal may be a null signal, i.e., no alert.

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[0022] Use of prompter 106 consists of monitoring incoming communications and generating an appropriate alerting prompt to the one of the users 100-102 who is the intended recipient of an incoming communication. An illustrative example thereof is shown in FIG. 4. Upon detecting a communication incoming from network 108—ringing or a SETUP message, for example—at step 300, prompter 106 checks whether the arriving signals or message identify the source of the communication, at step 302. If so, prompter 106 searches table 210 for an entry 212 that identifies that source in source ID field 222, at step 310. If prompter 116 finds such an entry, as determined at step 310, it generates the specific prompt that is specified by that entry, at step 312. The prompt has two components: one that uniquely identifies the user 100-102 who is specified in that entry's user ID field 220, and another that uniquely corresponds either to the signal ID or to the priority ID specified in that entry's signal or priority ID field 224. The prompt can take any desired form. For example, it can be a distinct ringing cadence, or one or more distinct tones, or even an announcement such as "X, you have a call from Y". When a user responds to the prompt, e.g., by answering the communication on a terminal 104, or if the source terminates the communication before the user responds, prompter 106 ends its operation, at step 328, and further interaction between terminal 104 and network 108 takes place conventionally without intervention of prompter 106.

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[0025] The functionality of prompter 106 may be extended to give prompter 106 the capability of communicating with a source of a communication on behalf of users 100-102. An illustrative example thereof is shown in FIG. 5, which is an expansion of FIG. 4 and uses the same numerals as FIG. 4 to identify steps that are common to both Figures. Upon detecting an incoming communication, at step 300, and determining that it does not identify the source, at step 302, prompter 106 prompts the source for its identification, at step 304. For example, prompter 106 answers an incoming telephone call and prompts the caller to enter his or her own telephone number. Or, prompter 106 sends back a query data message. If the source provides its identification in response to the query, as determined at step 306, prompter 106 proceeds to steps 308 et seq. If the source still does not provide its identification, as determined at step 306, or if an entry 112 corresponding to the identified source is not found at step 310, prompter 106 checks, at step 314, whether the incoming communication identifies the recipient. If so, prompter 106 proceeds to steps 320 et seq. If not, prompter 106 prompts the source for the identification of the recipient, at step 316. For example, prompter 106 plays a message to the caller stating "If you wish to speak to A, press one; if you wish to speak to X, press 2". If the source provides the recipient's identification, as determined at step 318, prompter 116 proceeds to steps 320 et seq.; if not, prompter 116 proceeds to steps 326 et seq.

U.S. Patent Application Publication No.2002/0077102, paragraphs 17, 20, 22, and 25; see also claims 1, 12, 13, 14, 16, 23-25.

For these reasons and others, _Achuthan, then, wholly fails to disclose and/or suggest the claimed subject matter of a method for routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code)._ Because _Achuthan_ fails to teach or suggest the claimed subject matter, these claims are not anticipated. The Assignee, then, respectfully asks Examiner Mattis to remove the §102 rejection of independent claims 11, 14, and 21, and of corresponding dependent claims 12-13, 15, and 22.

§103 Rejection:

The office rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over _Harlow et al._ (U.S. Patent No. 5,206,901) in view of _Achuthan_, rejected claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over _Harlow et al._ in view of _Achuthan_ as applied to claims 1-5 above and further in view of _Jones_ (U.S. Patent 5,475,748), rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over _Harlow et al._ in view of _Achuthan_ as applied to claims 1-5 above and further in view of _Archer_ (U.S. Pat. No. 6,683,870), rejected claims 16-17 and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over _Achuthan_ in view of _Jones_, and rejected claims 18-20 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over _Achuthan_ in view of _Archer_.

If the Office wishes to establish a *prima facia* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

As described above, *Achuthan* fails to disclose and/or suggest the claimed subject matter of a method for routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code). *Harlow, Jones*, and/or *Archer* do not cure these deficiencies of *Achuthan*.

Claims 1-5:

Independent claim 1 generally discloses a system for executing a priority action to route an incoming call to a telephone line of a subscriber. *See* independent claim 1 presented below.

> [c01] A system for routing an incoming call from a calling party for a telephone line of a subscriber comprising:
>
> a service switching point associated with the telephone line; and
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> a service control point in communication with the service switching point, wherein when the service switching point detects the incoming call, the service switching point launches a query comprising a subscriber number to the service control point,
>
> wherein when the service control point receives the query, the service control point determines whether the calling party is a priority caller,
>
> wherein the service control point returns a default response to the service switching point if the calling party is not a priority caller, and
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> wherein the service control point returns a priority response to the service switching point if the calling party is a priority caller.

U.S. Patent Application No. 09/855,804, claim 1.

Regarding independent claim 1, Examiner Mattis asserts:

> **With respect to claim 1,** *Harlow et al.* discloses a system for routing an incoming call from a calling party for a telephone line of a subscriber (See **column 3 lines 32-43 and Figure 1 of Harlow et al. for reference to a telecommunication system 100 for routing calls between telephones**). Harlow et al. also discloses a service switching point associated with the telephone line (See **column 3 lines 44-63 and Figure 1 of Harlow et al. for reference to SSP, or service switching point, 110 being associated with telephone lines of devices 111 and 112**). Harlow et al. further discloses a service control point in communication with the service switching point (See **column 4 lines 20-34 and Figure 1 of Harlow et al. for reference to service control point 170 providing a database for use by SSP 110, meaning SCP 170 is in communication with SSP110**). Harlow et al. also discloses that when the service switching point

detects an incoming call, the service switching point launches a query comprising a subscriber number to the service control point (See **column 4 lines 35-54 and Figure 1 of Harlow et al. for reference to SSP 110 recognizing an incoming call and sending a message, or query, through STP 160 to SCP 170 requesting instructions**). Harlow et al. does not disclose that the service control point determines whether the calling party is a priority caller. Harlow et al. also does not disclose that the service control point returns a default response to the service switching point if the calling party is not a priority caller. Harlow et al. further does not disclose that the service control point returns a priority response to the service switching point if the calling party is a priority caller.

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With respect to claims 1-5, Achuthan et al. in the field of communications, discloses a device that acts as a service control point as a part of a telecommunication network (See **page 2 paragraph 17 and Figure 1 of Achuthan et al. for reference to prompter 106, which acts as a service control point, that may be integrated into a telephone network 108**). Achuthan et al. also discloses that the prompter 106 determines whether the calling party is a priority caller (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to using a source ID to search a table 210 to determine if a calling party is a priority caller as identified by the fields of table 210, at step 308**). Achuthan et al. further discloses returning a default response if the calling party is not a priority caller (See **page 3 paragraph 24 and Figure 4 of Achuthan et al. for reference to, if the priority information cannot be found in the table 210, using a generic prompt, which is a default response, that is specified by the table**). Achuthan et al. also discloses returning a priority response if the calling party is a priority caller (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to, if the priority information is found in table 210, generating a specific prompt, or priority response, that is specified by the table entry**). Achuthan et al. further discloses that the information received by the prompter 106 comprises priority caller information (See **page 2 paragraph 22 and Figure 4 of Achuthan et al. for reference to arriving signals or messages identifying the source of the communication, at step 302, with the source ID being used as priority caller information**). Achuthan et al. also discloses that the priority caller information is a telephone number associated with a second telephone line that is used to initiate the incoming call (See **page 2 paragraph 20 of Achuthan et al. for reference to the priority information being a source ID, for example a caller ID, which is the telephone number of a telephone line that is used to initiate an incoming call to the subscriber**). Achuthan et al. further discloses that the priority caller information is a priority code supplied by the calling party (See **page 3 paragraph 25 of Achuthan et al. for reference to the source caller being prompted by a query to supply its identification, which is a priority code supplied by the calling party**). Achuthan et al. also discloses that the default response comprises an instruction to terminate the call using a regular ring tone (See **page 3 paragraph 24 of Achuthan et al. for reference to a generic prompt, or default response, carrying no information other than that a communication is arriving, meaning that a regular ring**

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tone is used).   Achuthan et al. further discloses that the priority response
comprises an instruction to terminate the call using a priority alert signal (See
**page 2 paragraph 22 of Achuthan et al. for reference to the prompt, or
priority response, being a distinct ringing cadence, which is a priority alert
signal**). Identifying callers as priority or non-priority callers has the advantage of
providing a subscriber of the service a greater amount of information about an
incoming call than a traditional telephone system does by using personalized
alerts **(See page 1 paragraph 8 of Achuthan et al. for reference to this
advantage).**

It would have been obvious for one of ordinary skill in the art at the time
of the invention, when presented with the work of Achuthan et al., to combine
identifying callers as priority or non-priority callers, as suggested by Achuthan et
al., with the system of Harlow et al., with the motivation being to provide a
subscriber of the service a greater amount of information about an incoming call
than a traditional telephone system does by using personalized alerts.

Office Action, pages 8-11.

Harlow, however, describes the following:

FIG. 1 shows a simplified block diagram of a telecommunication system
100, wherein the exemplary method of this invention may be practiced. In this
exemplary embodiment, telecommunication system 100 is an intelligent network,
similar or identical to the intelligent network described in AT&T Technical
Journal, Summer, 1991, pp. 11-25, which is incorporated herein by reference.
Intelligent network 100 comprises, in this exemplary embodiment, a plurality of
switching service points (SSPs) 110, 120, and 130. Three SSPs are shown in this
example for clarity, but an operational intelligent network may comprise more
SSPs.
<div align="center">***</div>
SSP 110 is, in this exemplary embodiment, a distributed control, local
digital switch, such as a 5ESS.RTM. switch as described in the AT&T Technical
Journal, v. 64, no. 6, July/August 1985, pp. 1303-1564, the November, 1981 Bell
Laboratories Record, p. 258, and the December, 1981 Bell Laboratories Record, p.
290, and manufactured by AT&T. Alternatively, SSP 110 may be a distributed
control, analog or digital switch, such as an ISDN switching system as disclosed
in U.S. Pat. No. 4,592,048, issued to M. W. Beckner et al., on May 27, 1986. SSP
110 is connected to a plurality of telephone station sets, such as dual-tone, multi-
frequency (DTMF) telephone 111 and integrated services digital network (ISDN)
telephone 112. ISDN telephone 112 may be connected to a personal computer, as
is known in the art. SSP 110 is a stored program controlled system, under control
of processor 113. Processor 113 maintains a subscriber line status table 114 of the
on-hook, off-hook, or other state of all of the telephone station sets (such as 111,
112) connected to SSP 110.   SSPs 110, 120, and 130 are interconnected by a
plurality of trunks or channels 140 which provide voice and data communication
paths between SSPs. SSPs 110, 120, and 130 are also interconnected by signaling
channel 150. SSPs use signaling channel 150 to communicate with each other in

U.S. Application No. 09/855,804 Examiner Jason E. Mattis Art Unit 2665
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setting up connections and providing special features. SSPs communicate on signaling channel 150 using Signaling System 7 (SS7) protocol in this exemplary embodiment, as is known in the art. Signaling channel 150 is connected to signal transfer point 160 (STP), which acts as a signaling switch to receive and forward messages among SSPs, and receives and forwards signaling as necessary to a switching control point 170 (SCP). SCP 170 provides a common data base 175 for use by all of the SSPs.

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In this exemplary embodiment of this invention, a person at telephone 111 is calling a person whose office telephone is, for example, telephone 122. In this example, the person whose telephone is 122 is a sales person who subscribes to the feature which is embodied in this invention. Further, the sales person also has a mobile telephone 136. The user of telephone 111 dials a special directory number. In this embodiment, all switches, whether part of the intelligent network or not, recognize this number as receiving special call treatment, similarly to current treatment of "800" and "900" calls. Non-SSP switches route the call to an SSP, such as SSP 110. The actions at SSP 110 are identical whether the call originated on SSP 110 or was preliminarily routed to SSP 110. SSP 110 recognizes the special directory number during translation and sends a message on signaling channel 150 through STP 160 to SCP 170 requesting routing instructions. SCP 170 performs a database lookup in database 175 and returns primary and secondary destination telephone numbers to SSP 110.

U.S. Patent No.5,206,901, column 3, lines 44-63 and column 4, lines 20-54.

Consequently, *Harlow* fails to disclose or suggest (1) associating the calling party information with a telephone line of a subscriber to categorize the incoming call as a priority call, (2) returning a default response if the calling party information is not categorized as a priority call, and (3) returning a priority response if the calling party information is categorized as a priority call. And, *Achuthan* cannot and does not cure these deficiencies. In addition to the above assertions, Examiner Mattis further cites the below passages from *Achuthan*.

[0024] Returning to step 314, if the recipient of the communication is not identified, prompter 106 searches table 210 for the generic entry 216, at step 324, and gives the generic prompt that is specified therein. This prompt carries no information other than that a communication is arriving. The generic prompt may also be a null. Prompter 106 then proceeds to step 328.

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[0008] The alerting arrangement provides a way to customize and prioritize a list of communications sources (e.g., callers) that one wishes to receive communications from. A collection of personal alerts can be generated. Each alert can be assigned to an individual source or to a group of services. The personal

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alerts can be custom recordings that both uniquely identify the source and the recipient with no further intervention by the recipient. The alerting arrangement is an advancement over traditional caller ID. Based on the priority of the communication, a different alert can be generated, including no alert. Instantly, the recipient can determine both if the call is for him or her and the call's source or priority. Using no alert is an effective mechanism for filtering out unwanted messages with no interruption of the recipient.

U.S. Patent Application Publication No.2002/0077102, paragraphs 24 and 8; see also claims 1, 12, 13, 14, 16, 23-25.

However, *Achuthan* fails to cure the deficiencies of *Harlow* — that is the combination of *Harlow* and/or *Achuthan* do not disclose nor do they suggest the claimed subject matter of a system that (1) associates the calling party information with a telephone line of a subscriber to categorize the incoming call as a priority call, (2) returns a default response if the calling party information is not categorized as a priority call, and (3) returns a priority response if the calling party information is categorized as a priority call. Further, similar to the above discussion for independent claims 11, 14, and 21, *Achuthan* fails to disclose and/or suggest the claimed subject matter of routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code). Because the combination of *Harlow* and/or *Achuthan* fails to teach or suggest the claimed subject matter, independent claim 1 and dependent claims 2-5 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 1-5.

Claims 6-7:

Regarding claims 6-7, Examiner Mattis asserts:

> **With respect to claim 6**, the combination of Harlow et al. and Achuthan et al. does not disclose that the priority response comprises an instruction to initiate an outgoing call to another telephone.
> **With respect to claim 7**, the combination of Harlow et al. and Achuthan et al. does not disclose that the another telephone is a wireless telephone.
> **With respect to claims 6-7**, Jones, in the field of communications, discloses, in response to a priority determination, initiating an outgoing call to multiple telephones (See column 4 lines 2-26 and column 5 lines 24-48 of Jones for reference to initiating calls to multiple telephones and for reference to using prerecorded caller identifications to assign callers a priority as to

which of the multiple telephones, if any, that a call should be sent to). Jones
also discloses that one of the multiple phones is a wireless phone (See the
abstract of Jones for reference to calling numbers of cellular phones, which
are wireless phones). Initiating an outgoing call to multiple telephones
associated with a subscriber has the advantage of allowing a subscriber to receive
important calls even if the subscriber is not located at the extension that was
initially dialed by the caller (See column 4 lines 2-26 of Jones for reference to
this advantage).

     It would have been obvious for one of ordinary skill in the art at the time
of the invention, when presented with the work of Jones, to combine initiating
outgoing calls to multiple telephones associated with a subscriber, as suggested by
Jones, with the system of Harlow et al. and Achuthan et al., with the motivation
being to allow a subscriber to receive important calls even if the subscriber is not
located at the extension that was initially dialed by the caller.

Office Action, pages 11-13.

The cited passage of *Jones* merely describes the following:

     The present invention is directed to situations in which an individual
cannot be reached at an extension and due to urgency or some other reason it is
important that the individual be reached by a caller, rather than recording a
message, and to situations in which an individual must be reached as quickly as
possible and the MCU memory 46 contains more than one telephone number for
the individual or "called party". According to the present invention, the processors
18, 24 in the platform 10 are programmed to respond in the situations described
above by initiating a plurality of outdialing operations in a predefined manner to
contact the called party. The predefined manner may be a specific order
determined by the contents of the search file, such as the file illustrated in FIG. 2.
In different situations, it may be preferable for the predefined manner to specify
performing a number of outdialing operations simultaneously, such as in a case of
extreme urgency, or to sequentially try one phone number after another until all
phone numbers for an individual have been called. Depending upon the type of
people who subscribe to the service, only one of these two types might be
provided. However, in the preferred embodiment a search file according to the
present invention is structured to provide the flexibility to perform either type of
outdialing operation or a combination of the two.

                           ***

     In the event that an automated receptionist is used to provide a menu
option for access to the search service, some mechanism may be used to identify
or classify the caller. For example, when access to the search service is requested,
the caller may be prompted for an access code. Alternatively, at this time or
previously the caller may be asked to give the name of who is calling. In a
conventional manner, this name may be stored as an announcement for when the
called party is reached. In addition, the name could be compared with prerecorded

names in a form of voice recognition to identify the caller. Other forms of caller identification may be used as known in the art. Using any of these means to identify the caller, the caller may be assigned a priority which is used to reference the priority field in the file illustrated in FIG. 2. For callers assigned different priorities, the system may use different sets of telephone numbers. For example, the system may not route calls from business associates to a subscriber's home, calls from some friends or other acquaintances might be routed to a subscriber's home, but not to an office number, etc. Other priority values might be provided for callers who do not have an access code or are not recognized when their name is given. This priority or another priority might not be permitted to use the search service at all, or at certain times of day by using the time field as described below.

U.S. Patent No. 5,475,748, column 4, lines 2-26 and column 5, lines 24-48.

Equipment providing information services, whether installed near a central office or provided as part of a PBX includes a search service for generating a number of outdialing operations in an effort to reach a subscriber of the search service for a caller. A plurality of outdialing operations are initiated simultaneously, sequentially, or as sets of calls in a sequence with each set including one or more simultaneously dialed telephone numbers. The numbers called may be extensions on a PBX, phone numbers within any area code, cellular phones, or any other type of number which can be reached by telephone. The caller is kept informed of the success or failure of the outdialing operations and when the subscriber called by the caller is reached, the two are connected and any other outdialing operation is terminated. When all of the outdialing operations for one set of telephone numbers is unsuccessful, the next set in sequence is used in one or more new outdialing operations.

Id., Abstract.

As described above, *Achuthan* fails to disclose and/or suggest the claimed subject matter of a method for routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code). And, the combination of *Harlow* and/or *Achuthan* fails to disclose and/or suggest the claimed subject matter that (1) associates the calling party information with a telephone line of a subscriber to categorize the incoming call as a priority call, (2) returns a default response if the calling party information is not categorized as a priority call, and (3) returns a priority response if the calling party information is categorized as a priority call. *Jones* does not cure these deficiencies. Because the combination of *Harlow, Achuthan,* and/or *Jones* fails to teach or suggest the claimed subject matter of independent claim 1,

dependent claims 6-7 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 6-7.

Claims 8-10:

Regarding claims 8-10, Examiner Mattis asserts:

> **With respect to claims 8-10, Archer, in the field of communications, discloses establishing a connection with a computer associated with a subscriber via a computer network, when a telephone associated with the subscriber is called (See column 8 line 43 to column 9 line 30 and Figure 1 of Archer for reference to in response to a dialed number with establishing an IP connection with a computer 134a associated with the called party over a packet switched network 130).** Archer also discloses that the communication uses TCP/IP **(See column 8 lines 43-49 of Archer for reference to using TCP/IP).** Archer further discloses that the communication is a voice-over-Internet protocol session **(See column 3 lines 4-10 of Archer for reference to a user being notified of a call through the user's computer and for reference to the user complete the call using a PC, meaning that the call uses a voice-over-Internet protocol session to receive the call through the Internet).** Establishing a connection with a computer associated with a subscriber has the advantage of allowing a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone **(See column 3 lines 43-49 of Archer for reference to this advantage).**
>
> It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Archer, to combine establishing a connection with a computer associated with a subscriber, as suggested by Archer, with the communication system of Harlow et al. and Achuthan et al., with the motivation being to allow a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone.

Office Action, pages 11-13.

The cited passage of *Archer*, however, merely describes the following:

> The operation of the present invention will now be described by providing a specific example of a service which could be provided. The following list of procedures assumes that standard error handling procedures are used. In the preferred embodiment, errors are handled by standard TCP/IP transmission level protocols. The service would have the following steps as illustrated by the flow chart of FIG. 5.
>
> 1. Using standard phone service and equipment 114, a caller dials a called party's find-me phone number (Step 102). This telephone number may be a specific phone number, either local or toll-free (e.g., 800 or 888 area code). Alternatively,

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multiple subscribers can share a single telephone number where each has a unique identification code which would be entered by the caller.

2. The phone call is routed to a find-me server processor 128 through a packet-switched network 130 (Step 104). For example, the call may reach the Internet via an Internet Service Provider (ISP).

3. Follow-me server processor 128 performs a lookup to database 138 for the called party's designated destination numbers (Step 106). The database 138 has been set up beforehand by entering the TCP/IP based destination in the called party's profile. As discussed above, database 138 can be a standard database to store and retrieve phone number lists provided by the called party. The system should preferably support either static or dynamic addresses. In a static addressing scheme, each network interface is assigned a unique physical address. The address may be assigned by the hardware manufacturer or configured by the user. A dynamic addressing scheme provides a mechanism that automatically assigns a physical address to a station when the station first boots. In the embodiment illustrated in FIG. 2, database 138 would include telephone numbers for telephones 120a and 120b and IP addresses for computers 134a and 134b.

4. Using the data identified in step 3, the server processor 128 simultaneously issues a call notification to each of the receiving communication devices 120, 134 (Step 108). In the illustrated embodiment, server processor 128 would multicast the call notification to the IP addresses of converters 132 and computers 134. The converters 132 will translate the call notification and cause telephones 120 to ring. One feature of this invention is that all of the call numbers on the called party's follow-me destination list will ring simultaneously (within the delays associated with the various equipment in the system). An example of this step was described above with respect to step 62 in FIG. 4. This provides an advantage over present commercially available systems which require sequential dialing.

When the called party has designated a computer 134 as a destination, the computer is notified at this time to alert the called party of an incoming phone call. If the computer 134 is online, a message is sent to the called party requesting call completion. If not, the call is handled through standard follow-me call processing. This case is similar to a busy signal at a telephone 120.

U.S. Patent No. 6,683,870, column 8, line 43 to column 9 line 30.

The making and use of the various embodiments are discussed below in detail. However, it should be appreciated that the present invention provides many applicable inventive concepts that can be embodied in a wide variety of specific contexts. The specific embodiments discussed are merely illustrative of specific ways to make and use the invention, and do not limit the scope of the invention.

Id., column 3, lines 43-49.

An added functionality is the ability of the ISP to notify the user's computer if they are online and alert them of an incoming phone call. The user could then (using a standard multimedia computer) use a microphone and his computer's soundcard/speakers to complete the call using his PC. The user could also route the call back to his primary group if he so desired in case he missed the call initially.

Id., column 3, lines 4-10.

As described above, *Achuthan* fails to disclose and/or suggest the claimed subject matter of a method for routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code). And, the combination of *Harlow* and/or *Achuthan* fails to disclose and/or suggest the claimed subject matter that (1) associates the calling party information with a telephone line of a subscriber to categorize the incoming call as a priority call, (2) returns a default response if the calling party information is not categorized as a priority call, and (3) returns a priority response if the calling party information is categorized as a priority call. *Archer* does not cure these deficiencies. Because the combination of *Harlow, Achuthan,* and/or *Archer* fails to teach or suggest the claimed subject matter of independent claim 1, dependent claims 8-10 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 8-10.

Claims 16-17 and 23-24:

Regarding claims 16-17 and 23-24, Examiner Mattis asserts:

With respect to claims 16-17 and 23-24, Jones, in the field of communications, discloses, in response to a priority determination, initiating an outgoing call to multiple telephones **(See column 4 lines 2-26 and column 5 lines 24-48 of Jones for reference to initiating calls to multiple telephones and for reference to using prerecorded caller identifications to assign callers a priority as to which of the multiple telephones, if any, that a call should be sent to).** Jones also discloses that one of the multiple phones is a wireless phone **(See the abstract of Jones for reference to calling numbers of cellular phones, which are wireless phones).** Initiating outgoing calls to multiple telephones associated with a subscriber has the advantage of allowing a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller **(See column 4 lines 2-26 of Jones for reference to this advantage).**

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It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Jones, to combine initiating outgoing calls to multiple telephones associated with a subscriber, as suggested by Jones, with the method of Achuthan et al., with the motivation being to allow a subscriber to receive important calls even if the subscriber is not located at the extension that was initially dialed by the caller.

***

With respect to claims 18-20 and 25-27, Archer, in the field of communications, discloses establishing a connection with a computer associated with a subscriber via a computer network, when a telephone associated with the subscriber is called (**See column 8 line 43 to column 9 line 30 and Figure 2 of Archer for reference to in response to a dialed number establishing an IP connection with a computer 134a associated with the called party over a packet switched network 130).** Archer also discloses that the communication uses TCP/IP (**See column 8 lines 43-49 of Archer for reference to using TCP/IP).** Archer further discloses that the communication is a voice-over-Internet protocol session (**See column 3 lines 4-10 of Archer for reference to a user being notified of a call through the user's computer and for reference to the user complete the call using a PC, meaning that the call uses a voice-over-Internet protocol session to receive the call through the Internet).** Establishing a connection with a computer associated with a subscriber has the advantage of allowing a subscriber to be notified of an incoming call if they are on –line at a computer and not within range of a telephone (**See column 3 lines 43-49 of Archer for reference to this advantage).**

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Archer, to combine establishing a connection with a computer associated with a subscriber, as suggested by Archer, with the communication method of Achuthan et al., with the motivation being to allow a subscriber to be notified of an incoming call if they are on-line at a computer and not within range of a telephone.

Office Action, pages 14-17.

Similar to above, *Achuthan* fails to disclose and/or suggest the claimed subject matter of a method for routing an incoming call from a calling party to (1) a telephone line of a subscriber that includes (2) associating a subscriber number of the subscriber with priority caller information (e.g., priority caller number and/or priority caller code). And, the combination of *Achuthan, Harlow, Jones,* and/or *Archer* <u>fails to disclose and/or suggest the claimed subject matter of that includes (1) associating the calling party information with a telephone line of a subscriber to categorize the incoming call as a priority call, (2) generating an outgoing call to at least one other telephone associated</u>

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with the subscriber, (3) generating an outgoing call to at least one wireless telephone via a wireless telephone network, the at least one wireless telephone associated with the subscriber. Because the combination of *Achuthan*, *Harlow*, *Jones*, and/or *Archer* fails to teach or suggest the claimed subject matter of independent claim 14 and 21, dependent claims 18-20 and 25-27 are not obviated. The Assignee, then, respectfully asks Examiner Mattis to remove the §103 rejection of claims 18-20 and 25-27.

CONCLUSION

All of the objections and rejections have been overcome. Further, none of the references cited by Examiner Mattis, alone or in combination disclose or suggest the claimed subject matter. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 1-27).

AUTHORIZATION FOR PAYMENT OF FEES & REQUEST FOR AN EXTENSION OF TIME

Assignee respectfully requests an additional one (1) month extension of time fee for the Response to the November 22, 2004 Office Action filed on March 11, 2005. Assignee submits payment for a one (1) month extension of time to respond to the November 22, 2004 Office Action from February 22, 2005 to the one (1) month extension of March 22, 2005.

Description of Fee	Amount
One (1) Month Extension of Time Fee	$120.00
Total	$120.00

The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for $120.00. If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.   03/14/2005 BBOHNER 00000013 09855804

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U.S. Application No. 09/855,804 Examiner Jason E. Mattis Art Unit 2665
Response to November 22, 2004 Office Action

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambi@wzpatents.com.

Respectfully submitted,

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Date: 3\11\05

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